

REMARKS

Claims 1 - 4, 6 - 8, 10, 11 and 13 - 16 are pending in the present application. Claim 5 is canceled by the present amendment, and claims 9, 12 and 17 were previously canceled.

On 10 DEC 2004, Applicants mailed an information disclosure statement (IDS) that included a copy of two non-English references, namely, FR 2 565 019 and DE 198 50 248. Page 2 of the Office Action indicates that the Examiner did not consider these references because Applicants did not include a concise explanation of the relevance of the references. Accordingly, Applicants are submitting herewith an IDS that includes a concise explanation of the relevance of the references, and respectfully request that the Examiner **consider the references and acknowledge such consideration** in the next Office communication.

In section 1 of the Office Action, claims 1 - 4, 6, 8, 10, 11 and 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,268,741 to Chou et al. (hereinafter "the Chou et al. patent") in view of U.S. Patent No. 3,690,159 to Kersch et al. (hereinafter "the Kersch et al. patent") and U.S. Patent No. 5,285,995 to Gonzalez et al. (hereinafter "the Gonzalez et al. patent"). Additionally, in section 10 of the Office Action, claims 5, 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Chou et al., Kersch et al. and Gonzalez et al. patents, further in view of U.S. Patent No. 4,921,348 to Yeung et al. (hereinafter "the Yeung et al. patent").

The application contains two independent claims, namely claims 1 and 15. Applicant is amending claims 1 and 15 to include a feature that was previously presented in claim 5, and also to recite a feature that is neither disclosed nor suggested by the art of record.

Claim 1 provides for a measurement unit for use in a measuring setup for measuring an optical device under test (DUT). The measurement unit includes, *inter alia*, (a) an optical circuit for providing an optical signal from and/or to the DUT via a fiber connection, and (b) a shielding unit having an upper casing part and a lower casing part, for holding the optical circuit therein and for providing at least a partial shielding of the optical circuit against mechanical noise.

The feature of the shielding unit having an upper casing part and a lower casing part was previously presented in claim 5. Page 5 of the Office Action recognizes that none of the Chou et al., Kersch et al. or Gonzalez et al. patents disclose this feature, and so, introduces the Yeung et al. patent. Page 5 of the Office Action also states that the Yeung et al. patent teaches an arrangement that includes an upper casing (rubber sheet) and a lower casing (heavy iron plate), where optical components are mounted on a table padded with the rubber sheet. Thus, in the Yeung et al., optical components are mounted on the rubber sheet.

Whereas the Yeung et al. patent discloses optical components being **mounted on the** rubber sheet, it does not disclose the optical components being **mounted inside** a shielding unit having an upper casing and a lower casing. Consequently, none of the Chou et al., Kersch et al., Gonzalez et al. or Yeung et al. patents, whether considered independently or in combination with one another, disclose or suggest a shielding unit having an upper casing part and a lower casing part, for holding the optical circuit **therein** and for providing at least a partial shielding of the optical circuit against mechanical noise, as recited in claim 1. Accordingly, claim 1 is patentable over the cited combinations of references.

Claims 2 – 4 depend from claim 1. By virtue of this dependence, 2 – 4 are also patentable over the cited combinations of references.

Claim 5 is canceled. As such, the rejection of claim 5 is rendered moot.

Claims 6 – 8, 10, 11, 13, 14 depend from claim 1. By virtue of this dependence, 6 – 8, 10, 11, 13 and 14 are also patentable over the cited combinations of references.

Claim 15 includes a recital similar to that of claim 1, as described above. Thus, claim 15, for reasoning similar to that provided in support of claim 1, is patentable over the cited combinations of references.

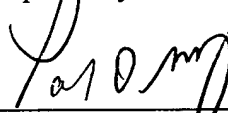
Claim 16 depends from claim 1. By virtue of this dependence, claim 16 is also patentable over the cited combinations of references.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1 – 8, 10, 11 and 13 – 16.

As mentioned above, Applicants amended claims 1 and 15 to include a feature that was previously presented in claim 5, and also to recite a feature that is neither disclosed nor suggested by the art of record. The amendment of claims 1 and 15 is not intended to narrow the meaning of any term of the claims, and as such, the doctrine of equivalents should be available for all of the elements of all of the claims.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,



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